

Notice of Allowability

Application No.

10/787,473

Examiner

Roy M. Punnoose

Applicant(s)

RAJADHYAKSHA ET AL.

Art Unit

2877

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to amendment filed on 02/23/2006.
2. ☒ The allowed claim(s) is/are 26-33 and 35-43.
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

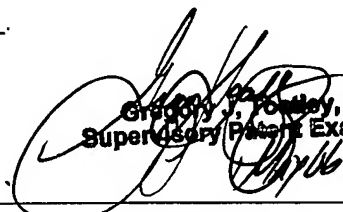
* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 06/09/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413),
Paper No./Mail Date 04/28/2006
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____


Gregory J. Conway, Jr.
Supervisory Patent Examiner

DETAILED ACTION

Response to Amendments

1. Acknowledgement is made of applicant's amendments filed on February 23, 2006 in response to the *Ex parte Quayle* of the previous office action. The Examiner has accepted the amendments presented by the applicant.
2. The applicant has amended claims 33 and 35, and cancelled claims 34 and 44. Claims 26-33 and 35-43 are currently pending in the application.

Interview

3. In response to an inquiry by the examiner regarding Claim 26 of the instant application, Attorney Kenneth J. LuKacher (Reg. No. 38,539) responded with a clarification on April 17, 2006, the summary of which is given below:

Figure 1 shows that the illumination polarization is in the plane of the figure and the detected light is polarized perpendicular to the plane of the figure. Beamsplitter 16 is described as being non-polarizing or partially polarizing. If the beamsplitter is non-polarizing, the polarizer will not change the polarization of the light returned light. Therefore the light that is detected represents the light with a polarization that is crossed with respect to the incident light.

This is described in the paragraph bridging pages 3 and 4 of the specification.

Allowable Subject Matter

4. Claims 26-33 and 35-43 are allowable.
5. Claim 26 is allowable because prior art documents does not disclose a system for scanning tissue in which the illumination beam and returned illumination are cross polarized inside the tissue, in combination with the rest of the limitations of claim 26.

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6. Claims 30-33 and 35-36 are allowable because they are dependent on independent claim 26 and they include all the allowable limitations of the parent claim.

7. Claim 27 is allowable because prior art documents does not disclose a system for scanning tissue in which the illumination beam and returned illumination from tissue are cross polarized, wherein said tissue is located in a solution which enhances brightness of one or more tissue structures, in combination with the rest of the limitations of claim 27.

8. Claims 28-29 are allowable because they are dependent on independent claim 27 and they include all the allowable limitations of the parent claim.

9. Claims 37 and 41 are allowable because the prior art of record, taken alone or in combination, fails to disclose or render obvious a system or method for scanning tissue or detect cancerous tissue cells comprising polarizing both the illumination light and the light returned from the tissue and controlling or adjusting the polarization of the illumination or returned beam, in combination with the rest of the limitations of the respective claims.

10. Claims 38-40 and 42-43 are allowable because they are dependent on independent claims 37 and 41 respectively, or an intermediate claim.

11. Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

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Conclusion

12. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **Roy M. Punnoose** whose telephone number is **571-272-2427**.

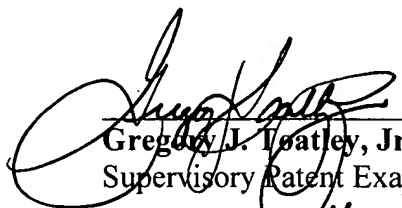
The examiner can normally be reached on 9:00 AM - 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Gregory J. Toatley, Jr.** can be reached on **571-272-2800 ext.77**. The fax phone number for the organization where this application or proceeding is assigned is **571-273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Roy M. Punnoose
Patent Examiner
Art Unit 2877
April 28, 2006




Gregory J. Toatley, Jr.
Supervisory Patent Examiner
4/24/06